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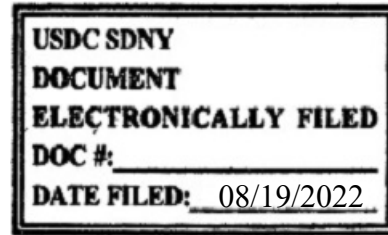UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BDG GOTHAM RESIDENTIAL, LLC, et al.,

        Plaintiffs,

  -against-

WESTERN WATERPROOFING COMPANY,
INC., et al.,

        Defendants.

19-CV-6386 (CM) (BCM)

BARBARA MOSES, United States Magistrate Judge.

WHEREAS, the parties to this action have failed, despite extensive judicial guidance, to stipulate to the truthfulness of *any* portion of the Statement of Facts (SOF) annexed to the Deferred Prosecution Agreement (DPA) between defendant Western Waterproofing Company, Inc. and the New York County District Attorney's Office, *see* Joint Ltr. dated Aug. 17, 2022 (Dkt. 125); and

WHEREAS, the parties' impasse threatens both to complicate and to multiply discovery proceedings; and

WHEREAS, the undersigned Magistrate Judge has consulted with the Hon. Colleen McMahon, United States District Judge, as to the most efficient way of resolving that impasse;

NOW THEREFORE, it is hereby ORDERED that:

1.   Any motion(s) *in limine* to exclude or restrict the use of the DPA and/or the SOF shall be filed no later than **August 29, 2022**.

2.   Opposition papers shall be filed no later than **September 8, 2022**.

3.   Reply papers shall be filed no later than **September 13, 2022**.

4.   The principal briefs shall be limited to 15 pages (exclusive of tables). Reply briefs are limited to 8 pages. The parties' motion papers must otherwise comply with Judge McMahon's individual practices. Any request for oral argument must be

directed to Judge McMahon. The parties should *not* expect the deadlines set forth

above to be extended.

5.   Pending determination of the motion(s) *in limine* with respect to the DPA and/or

the SOF, the parties may proceed with document discovery pursuant to Fed. R.

Civ. P. 34, but shall not serve RFAs or interrogatories regarding the DPA, the

SOF, or the facts admitted therein, and shall not conduct any deposition

discovery.

Dated: New York, New York   **SO ORDERED**.
        August 19, 2022

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BARBARA MOSES
United States Magistrate Judge